

AMENDED IN ASSEMBLY JUNE 21, 2005

AMENDED IN SENATE MAY 27, 2005

SENATE BILL

No. 188

Introduced by Senator Simitian

February 10, 2005

An act to add Section ~~11408.21~~ *11451.8* to the Welfare and Institutions Code, relating to ~~aid and medical assistance~~ *public social services*, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 188, as amended, Simitian. ~~Aid and medical assistance.~~ *CalWORKs eligibility: income: California National Guard earnings and payments.*

Existing law establishes various public assistance programs, including the CalWORKs program, which provides cash assistance to needy families; ~~the State Supplementary Program for the Aged, Blind, and Disabled (SSP), which supplements cash assistance to aged, blind, and disabled persons provided under the federal Supplemental Security Income (SSI) program, and the Medi-Cal program, which provides basic health care services to qualified low-income persons meeting certain income eligibility standards.~~

~~Existing law provides that certain reparation payments received by United States Citizens of Japanese ancestry who were interned during World War II and certain amount received by holocaust victims shall not be considered as income or resources for purposes of determining eligibility for public assistance programs.~~

~~This bill would provide that to the extent permitted by federal law, in determining eligibility for public assistance benefits, income of up to 250% of the federal poverty level acquired from active duty in the California National Guard shall not be considered as income or~~

~~resources of the recipient or the family of the recipient and shall not be deducted from the amount of the public assistance benefit to which the recipient or the family of the recipient would otherwise be entitled for purposes of determining eligibility for assistance and benefits under the CalWORKs program, the income of the family shall not include earnings or payments acquired from active duty in the California National Guard, to the extent that those funds are available to a family seeking or receiving CalWORKs aid, unless the total family income exceeds 250% of the federal poverty level.~~

Because state funds are continuously appropriated to pay for a share of the cost of CalWORKs benefits ~~and for the cost of SSP benefits and since and because~~ this bill would increase the amount of assets which certain individuals would be able to possess for purposes of determining eligibility for ~~these programs~~ *the CalWORKs program*, this bill would constitute an appropriation.

Because the bill would impact the eligibility of recipients for CalWORKs benefits and because each county is required to pay for a share of the cost of, and to administer and determine eligibility for aid grants under, that program, this bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11451.8 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 11451.8. For purposes of determining eligibility for
- 4 assistance and benefits under subdivision (a) of Section 11450
- 5 and Section 11450.12, income of the family shall not include
- 6 earnings or payments acquired from active duty in the California
- 7 National Guard, to the extent that those funds are available to a

1 *family seeking or receiving aid under this chapter, unless the*
2 *total family income exceeds 250 percent of the federal poverty*
3 *level.*

4 SECTION. 1. ~~Section 11008.21 is added to the Welfare and~~
5 ~~Institutions Code, to read:~~

6 ~~11008.21. To the extent permitted by federal law, in~~
7 ~~determining eligibility for public assistance benefits provided~~
8 ~~under this division, income of up to 250 percent of the federal~~
9 ~~poverty level acquired from active duty in the California National~~
10 ~~Guard shall not be considered as income or resources of the~~
11 ~~recipient or the family of the recipient and shall not be deducted~~
12 ~~from the amount of the public assistance benefits to which the~~
13 ~~recipient or the family of the recipient would otherwise be~~
14 ~~entitled under this division.~~

15 SEC. 2. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.